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In re Application of
Karr
Application No. 10/044,306
Filed: October 26, 2001
Attorney Docket No. 50037.55US01

OFFICE OF PETITIONS

: DECISION GRANTING
: PETITION

This is a decision on the petition filed June 6, 2002, to establish that Figure 3 was part of the originally filed application.

On October 26, 2001, the application was filed.

On March 27, 2002, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of October 26, 2001, and advising applicants that Figure 3 described in the specification appeared to have been omitted.

In response, the present petition was filed alleging that Figure 3 was deposited on October 26, 2001. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "6 sheets of drawings" on October 26, 2001.¹ Petitioner has also submitted a copy of the missing documentation- sheet 3 consisting of Figure 3.

Upon review of the record, Figure 3, deposited on October 26, 2001, has not been located. However, the evidence is convincing that the application papers deposited on October 26, 2001, included Figure 3, and that Figure 3 was subsequently misplaced in the PTO.

In view of the above, the petition is **granted**. The copy of Figure 3 submitted with the petition will be used for examination purposes.

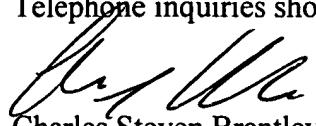
The petition fee of \$130 will be credited to the deposit account listed on the petition.

The Notice mailed March 27, 2002, is hereby vacated to the extent the Notice indicated that Figure 3 was omitted.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 26, 2001, using the application papers filed on October 26, 2001, and the copy of page 3 of the drawings consisting of Figure 3 filed on June 6, 2002.

¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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for Patent Examination Policy